

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,444	01/22/2002	Paul M. Guyre	DC-0172	9998
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Licata & Tyrrell P.C.			EXAMINER	
66 E. Main Stro Marlton, NJ 0			HUYNH, PHUONG N	
			ART UNIT	PAPER NUMBER
			1644	3
			DATE MAILED: 05/20/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary    10/054,444   Examiner			Tau-Ray Max				
### Common Summary    Examiner		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE of this communication app ars on th cov r sh t with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than birtly (20) stays, a reply within the distatory minimum of thing (20) stays with be considered finely.  If the period for reply specified above is less than birtly (20) stays, a reply within the distatory minimum of thing (20) stays with be considered finely.  If the period for reply specified above is less than birtly (20) stays, a reply within the distatory minimum of thing (20) stays with be considered finely.  If the period for reply specified stays is the maining date of this communication, with the period for reply specified above is less than the months after the mailing date of this communication, sworth if timely fined, may reduce any secured patent tome adjustment.  Responsive to communication(s) filed on		10/054,444	GUYRE ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentation for many be available under the provisions of 3 CFR 1.136(s), in or event, however, may a reply be timely filed after SX (8) MOINTE from the making date of this communication.  It the period for many be available under the provisions of 3 CFR 1.136(s), in or event, however, may a reply be timely filed after SX (8) MOINTE from the making date of this communication.  It the period for energy specified above is better than 100 (30 pers), and self all against a reply whitin the sature, minimum of thisty (30) steps with the considered filed).  If the period for energy specified above is best than this? (30 pers), and self against one specified and the self-action of the communication.  Faiture to reply whitin the set or extended period for reply will, by datable, cause the application to become ABANDONED (38 U.S.C. § 133).  Any reply received by the Official than there merials after the making date of this communication, even if times filed, may revolue a ray  and period term adjustment. Set 3 CFR 176(b).  Status  1) Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Estateolors of time mybe a validable under the proteins of 37 cPt 1.1 35(g). In no event, however, may a reply be timely flied after SIX (6) MONTHS from the mailing date of this communication.  It No periods from the set of extended period of the communication.  It No periods for reply is specified above, the maximum attitution period validable provided by the maximum of the mailing date of this communication.  Failure to reply vein the set of extended period for reply veil, by statute, cause the application to become ARANDONED (35 U.S. C.§ 133).  Any reply recoved by the Official rethan these months after the mailing date of this communication, even if timely fleet, may reduce any counted place them objective to communication (5) filled on							
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)   is/are pending in the application.  4a) Of the above claim(s)   is/are withdrawn from consideration.  5)  Claim(s)   is/are allowed.  6)  Claim(s)   is/are rejected.  7)  Claim(s)   is/are objected to.  8)  Claim(s)   is/are objected to.  8)  Claim(s)   is/are objected to post the Examiner.  10)  The precification is objected to by the Examiner.  10)  The drawing(s) filed on   is/are: a)  accepted or b)  objected to by the Examiner.  Application Papers  9)  The specification are required that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on   is: a)  approved b)  disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or deciaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No.   3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply of 18 NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	mely filed  /s will be considered timely. In the mailing date of this communication. D (35 U.S.C. § 133).				
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Application/Control Number: 10/054,444

Art Unit: 1644

## **DETAILED ACTION**

1. Claims 1-5 are pending.

## Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, drawn to a composition comprising a baculovirus expressed recombinant Fel dI and a sFv of monoclonal antibody H22, classified in Class 424, subclass 135.1 and Class 424, subclass 93.1.
  - II. Claim 4, drawn to a method of diagnosing a human with cat allergy, classified in Class 435, subclass 7.2.
  - III. Claim 5, drawn to a method of protecting a human against cat allergy comprising administering a baculovirus expressed recombinant Fel dI, classified in Class 424, subclass 199.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups II-III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the methods of diagnosing versus the method of treating that differ with their respect to their method steps and endpoint. Therefore, they are patentably distinct.

Inventions of Group I and Groups II-III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in materially different process such as making antibody or screening assays. Therefore, they are patentably distinct.

3. Because these inventions are distinct for the reasons given above and the searches are not coextensive, restriction for examination purposes as indicated is proper. Application/Control Number: 10/054,444

Art Unit: 1644

Applicant is advised that the response to this requirement to be complete must include an election 4. of the invention to be examined even though the requirement be traversed.

- Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 5. inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).
- Any inquiry concerning this communication or earlier communications from the examiner should 6. be directed to Phuong Huynh "NEON" whose telephone number is (703) 308-4844. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.
- Papers related to this application may be submitted to Technology Center 1600 by facsimile 7. transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Phuong N. Huynh, Ph.D.

Patent Examiner

Technology Center 1600

May 20, 2002

SUPERVISORY PATENT EXAMINER

**GROUP 1800**